

## **Chapter 6 Arts Development**

### **Part 1 General Provisions**

#### **9-6-102 Definitions.**

As used in this chapter:

- (1) "Advisory board" means the Museum Services Advisory Board created in Section 9-6-604.
- (2) "Board" means the Board of Directors of the Utah Arts Council created in Section 9-6-204.
- (3) "Council" means the Utah Arts Council created in Section 9-6-301.
- (4) "Director" means the director of the Division of Arts and Museums.
- (5) "Division" means the Division of Arts and Museums.
- (6) "Museum" means an organized and permanent institution that:
  - (a) is owned or controlled by the state, a county, or a municipality, or is a nonprofit organization;
  - (b) has an educational or aesthetic purpose;
  - (c) owns or curates a tangible collection; and
  - (d) exhibits the collection to the public on a regular schedule.
- (7) "Office" means the Office of Museum Services created in Section 9-6-602.
- (8)
  - (a) "Pass-through funding" means funds appropriated by the Legislature to a state agency that are intended to be passed through the state agency to:
    - (i) local governments;
    - (ii) other government agencies;
    - (iii) private organizations, including not-for-profits; or
    - (iv) persons in the form of a loan or grant.
  - (b) The funding may be:
    - (i) general funds, federal funds, dedicated credits, or any combination of funding sources; and
    - (ii) ongoing or one-time.

Amended by Chapter 212, 2012 General Session

### **Part 2 Division of Arts and Museums**

#### **9-6-201 Division of Arts and Museums -- Creation -- Powers and duties.**

- (1) There is created within the department the Division of Arts and Museums under the administration and general supervision of the executive director or the designee of the executive director.
- (2) The division shall be under the policy direction of the board.
- (3) The division shall advance the interests of the arts, in all their phases, within the state, and to that end shall:
  - (a) cooperate with and locally sponsor federal agencies and projects directed to similar undertakings;
  - (b) develop the influence of arts in education;

- (c) involve the private sector, including businesses, charitable interests, educational interests, manufacturers, agriculturalists, and industrialists in these endeavors;
  - (d) utilize broadcasting facilities and the power of the press in disseminating information; and
  - (e) foster, promote, encourage, and facilitate, not only a more general and lively study of the arts, but take all necessary and useful means to stimulate a more abundant production of an indigenous art in this state.
- (4) The board shall set policy to guide the division in accomplishing the purposes set forth in Subsection (3).
- (5) Except for arts development projects under Section 9-6-804, the division may not grant funds for the support of any arts project under this section unless the project has been first approved by the board.
- (6)
- (a) For a pass-through funding grant of at least \$25,000, the division shall make quarterly disbursements to the pass-through funding grant recipient, contingent upon the division receiving a quarterly progress report from the pass-through grant recipient.
  - (b) The division shall:
    - (i) provide the pass-through grant recipient with a progress report form for the reporting purposes of Subsection (6)(a); and
    - (ii) include reporting requirement instructions with the form.

Amended by Chapter 350, 2015 General Session

**9-6-202 Division director.**

- (1) The chief administrative officer of the division shall be a director appointed by the executive director in consultation with the board and the advisory board.
- (2) The director shall be a person experienced in administration and knowledgeable about the arts and museums.
- (3) In addition to the division, the director is the chief administrative officer for:
  - (a) the Board of Directors of the Utah Arts Council created in Section 9-6-204;
  - (b) the Utah Arts Council created in Section 9-6-301;
  - (c) the Office of Museum Services created in Section 9-6-602;
  - (d) the Museum Services Advisory Board created in Section 9-6-604; and
  - (e) the Arts and Culture Business Alliance created in Section 9-6-803.

Amended by Chapter 350, 2015 General Session

**9-6-203 Division powers relating to property.**

- (1) The division may:
  - (a) take by purchase, grant, gift, devise, or bequest, any property, real or personal, for any purpose appropriate to its objects; and
  - (b) convert property received by gift, grant, devise, or bequest and not suitable for its uses, into other property so available or into money.
- (2) The property received or converted under Subsection (1) shall be held, invested, and managed and its proceeds used by the division for the purposes and under the conditions prescribed in the grant or donation.
- (3) If by the terms of any grant, gift, devise, or bequest, conditions are imposed that are impracticable under the law, the grant or donation does not fail but the conditions shall be rejected and the intent of the grantor or donor carried out as nearly as may be.

- (4) A grant, gift, devise, or bequest for the benefit of the division may not be defeated or prejudiced by any misnomer, misdescription, or informality if the intention of the grantor or donor can be shown or ascertained with reasonable certainty.

Amended by Chapter 378, 2010 General Session

**9-6-204 Utah Arts Council Board of Directors.**

- (1) There is created within the division the Board of Directors of the Utah Arts Council.
- (2)
  - (a) The board shall consist of 13 members appointed by the governor to four-year terms of office with the consent of the Senate.
  - (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
  - (c) Nine board members shall be working artists in the following areas:
    - (i) visual arts;
    - (ii) architecture or design;
    - (iii) literature;
    - (iv) music;
    - (v) sculpture;
    - (vi) folklore or folk arts;
    - (vii) theatre;
    - (viii) dance; and
    - (ix) media arts.
  - (d) Four board members shall be citizens knowledgeable in the arts.
- (3) The members shall be appointed from the state at large with due consideration for geographical representation.
- (4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor within one month from the time of vacancy.
- (5) Seven members of the board constitute a quorum for the transaction of business.
- (6) The governor shall annually select one of the board members as chair.
- (7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (8) A member may not receive gifts, prizes, or awards of money from the purchasing fund of the division during the member's term of office.

Amended by Chapter 212, 2012 General Session

**9-6-205 Board powers and duties.**

- (1) The board may:
  - (a) make, amend, or repeal rules for the conduct of its business in governing the council in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
  - (b) receive gifts, bequests, and property; and
  - (c) issue certificates and offer and confer prizes, certificates, and awards for works of art and achievement in the arts.

(2) The board shall make policy for the council.

(3)

- (a) By September 30 of each year, the board shall prepare and submit a request to the governor and the Legislature for prioritized capital facilities grants to be awarded to eligible individuals and organizations under this part, Part 3, Utah Arts Council, Part 4, Utah Percent-for-Art Act, and Part 5, State Arts Endowment.
- (b) The board shall prepare a list of the requested capital facilities grants in a prioritized order and include a written explanation of:
  - (i) the total grant amount requested in the list; and
  - (ii) the basis of its prioritization of requested grants on the list.
- (c) The board shall accept applications for capital facilities grants through June 1 of each year, prior to compiling and submitting its yearly request to the governor and the Legislature under Subsection (3)(a).

Amended by Chapter 189, 2014 General Session

### **Part 3**

### **Utah Arts Council**

#### **9-6-301 Creation -- Members.**

- (1) There is created the Utah Arts Council.
- (2) Members of the council may be of the following four classes:
  - (a) members of the board;
  - (b) honorary members;
  - (c) annual members; and
  - (d) life members.

Amended by Chapter 24, 2006 General Session

#### **9-6-302 Honorary life membership.**

- (1) Any person who submits to the board a work of art executed by himself which is accepted by the board shall, by the tender and acceptance of that work of art and on receipt of a certificate of membership issued by the board, become an honorary member for life.
- (2) The board may also confer an honorary life membership for outstanding achievement in art, literature, or music upon any resident of the state.

Amended by Chapter 4, 1993 General Session

Amended by Chapter 78, 1993 General Session

#### **9-6-303 Annual members -- Fees.**

Each patron of the arts or anyone interested in them shall, upon payment of a membership fee determined by the board by rule, and if elected by the board, receive a certificate of membership for one year and become an annual member.

Renumbered and Amended by Chapter 241, 1992 General Session

**9-6-304 Annual membership for life -- Fees.**

Each person, upon payment of a lifetime membership fee determined by the board by rule, and if elected by the board, shall have all the privileges of annual membership for life.

Renumbered and Amended by Chapter 241, 1992 General Session

**9-6-305 Art collection committee.**

- (1) The board shall appoint a committee of artists or judges of art to take charge of all works of art acquired under this chapter. This collection shall be known as the Utah State Alice Art Collection.
- (2)
  - (a) Except as required by Subsection (2)(b), as terms of current committee members expire, the board shall appoint each new member or reappointed member to a four-year term.
  - (b) Notwithstanding the requirements of Subsection (2)(a), the board shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the board is appointed every two years.
- (3) When a vacancy occurs in the membership, the replacement shall be appointed for the unexpired term.
- (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 212, 2012 General Session

**9-6-306 Collection.**

- (1) All works of art acquired under this part shall become part of the Utah State Alice Art Collection.
- (2) The art collection shall be held as the property of the state, under control of the division, and may be loaned in whole or in part for exhibition purposes to different parts of the state according to rules prescribed by the board.
- (3) The division shall take every precaution to avoid damage or destruction to the property of the institute and the art works submitted by exhibitors and shall procure ample insurance on them.
- (4) All art works shipped to and from the place of exhibition shall be packed by an expert packer.

Renumbered and Amended by Chapter 241, 1992 General Session

**9-6-307 Application of funds received by council.**

All money received by the council shall be applied or expended in the furtherance of the arts as ordered by the director under policies established by the board.

Amended by Chapter 24, 2006 General Session

**Part 4  
Utah Percent-for-Art Act**

**9-6-401 Short title.**

This part is known as the "Utah Percent-for-Art Act."

Renumbered and Amended by Chapter 241, 1992 General Session

**9-6-402 Purpose.**

This part is designed to:

- (1) establish a program which administers that portion of appropriations for capital expenditures which is set aside for the acquisition of works of art used for public buildings;
- (2) enhance the quality of life in the state by placing art of the highest quality in public spaces where it is seen by the general public;
- (3) promote and preserve appreciation for and exposure to the arts; and
- (4) foster cultural development in the state and encourage the creativity and talents of its artists and craftspeople.

Renumbered and Amended by Chapter 241, 1992 General Session

**9-6-403 Definitions.**

As used in this part:

- (1) "Artist" means a practitioner in the visual arts, generally recognized by critics and the artist's peers as a professional who is committed to producing high quality work on a regular basis, and who is not the project architect or a member of the project's architectural firm.
- (2) "Acquired or constructed" means acquired, constructed, reconstructed, restored, enlarged, improved, renovated, repaired, replaced, equipped, or furnished in whole or in part with state funds.
- (3) "Contracting agency" means the state agency which is responsible for supervising the principal user of a state building or facility.
- (4) "Principal user" means the department, board, commission, institution, or agency of the state for the principal use of which a state building or facility is acquired or constructed.
- (5) "Program" means the Percent-for-Art Program created in this part.
- (6) "Project" means the project whereby state buildings or facilities are acquired or constructed.
- (7)
  - (a) "State building or facility" means a state building, permanent structure, facility, park, or appurtenant structure thereof, wholly or partially enclosed, which includes, but is not restricted to a space or facility used or to be used for carrying out the functions of a department, board, commission, institution, or agency of the state, including offices, hearing or meeting rooms, auditoriums, libraries, courtrooms, classrooms, workshops, laboratories, eating or sleeping facilities, or highway rest areas.
  - (b) "State building or facility" does not include motor pools, heating plants, sheds, sewers, parking lots, bridges, highways, or buildings used solely for storage or warehousing.
- (8) "Work of art" or "works of art" means any form of original creation of visual art including, but not restricted to any sculpture, bas relief, high relief, mobile, fountain, painting, graphic, print, lithograph, etching, embossing, drawing, mural, mosaic, supergraphic, fresco, photograph, ceramic, fiber, mixed media, or combination of forms.

Amended by Chapter 4, 1993 General Session

**9-6-404 Creation of program -- Use of appropriations.**

- (1) A Percent-for-Art Program shall be administered by the division.
- (2) Any appropriation received by the director shall be used to acquire existing works of art or to commission the creation of works of art placed in or at appropriate state buildings or facilities as determined by the division. Any unexpended funds remaining at the end of the fiscal year shall be nonlapsing and not revert to the General Fund.

Renumbered and Amended by Chapter 241, 1992 General Session

**9-6-405 Procedures, guidelines, and rules.**

- (1) The division shall follow these guidelines in administering the program:
  - (a) Works of art shall be acquired under the program for use only with respect to those buildings or facilities that the division determines have significant public use or access, especially where the design and technical construction of the building or facility lend themselves to works of art. All funds set aside and administered by the program from appropriations for any state building or facility of which any part is obtained from the issuance of bonds shall be used only to acquire works of art that will be placed in or at, and remain a part of, that building or facility, to the extent necessary to preserve the federal income tax exemption otherwise allowed for interest paid on the bonds.
  - (b) The goal of the division in administering the program is to fairly distribute works of art throughout the various social, economic, and geographic communities of the state.
  - (c) The division shall give first preference to Utah artists, and to artists from other states which have similar percent-for-art programs and demonstrate a reciprocal preference for Utah artists.
  - (d) The division shall involve the director of the Division of Facilities Construction and Management, or the director's designee, and the project architect in the process of screening or selecting works of art or artists to create works of art for each project and shall involve in that process representatives from the project's principal user or contracting agency, the community in which the project is located, and the art profession. The project's principal user or contracting agency shall have representation at least equal to any other entity on the selection committee, as designated by the project's president or director. Any selection and placement of art shall be by a majority decision of the user agency representatives on the committee and a majority decision of the entire committee. The selection and placement shall be approved by the president or director of the principal user.
  - (e) Any relocation of art placed under this program shall be done with the participation from the division and the Division of Facilities Construction and Management and with approval from the president or director of the principal user.
  - (f) The costs of administering the program and conserving and maintaining all works of art placed under the program are limited to 15% of the funds deposited in the Utah Percent-for-Art Account.
- (2) The division shall adopt procedures, guidelines, and rules as necessary to implement this chapter and administer the program.

Amended by Chapter 378, 2010 General Session

**9-6-406 Director to enter into contracts.**

The director may enter into contracts on behalf of the division to acquire works of art and to commission artists for the creation of works of art as selected by the division or committees

established by the division, and may sue and be sued in the name of the division upon these contracts.

Renumbered and Amended by Chapter 241, 1992 General Session

**9-6-407 Title to work of art vests in the name of the state -- Title subject to restrictions and interests.**

- (1) Title to a work of art acquired by or created for the program vests upon its completion, installation, and final acceptance in the division in the name of the state.
- (2) Title to a work of art acquired from appropriations for any state building or facility of which any part is obtained from the issuance of bonds, and placed in or at that building or facility, is subject to the same restrictions and interests as title to that building or facility, to the extent necessary to preserve the federal income tax exemption otherwise allowed for interest paid on those bonds.

Renumbered and Amended by Chapter 241, 1992 General Session

**9-6-408 Division responsible for maintenance and security.**

The division is responsible, in cooperation with the contracting agency, for the conservation, maintenance, and security of all works of art placed in or at each state building or facility under the program.

Renumbered and Amended by Chapter 241, 1992 General Session

**9-6-409 Rights of artist commissioned by program.**

An artist who is commissioned by the program to create a work of art has the following rights with respect to that work of art:

- (1) all rights secured to the artist under federal copyright laws;
- (2) the right to claim authorship of the work of art;
- (3) the right to photographic reproduction of the work of art;
- (4) the right of first refusal:
  - (a) to conduct all repair and conservation work on the work of art in accordance with accepted principles of professional conservation; and
  - (b) to purchase the work of art if the state decides to sell it; and
- (5) the right to deny further association of the artist's name with or authorship of the work of art if conservation or repair work is done by a person other than the artist, which in the opinion of the artist damages its integrity.

Renumbered and Amended by Chapter 241, 1992 General Session

## **Part 5**

### **State Arts Endowment**

**9-6-501 Definitions.**

As used in this part:



- (1) "Endowment fund" means any arts endowment fund created under this chapter by a qualifying organization.
- (2) "Qualifying organization" means any Utah nonprofit arts organization that qualifies under this chapter to create an endowment fund, receive state money into the endowment fund, match state money deposited into the endowment fund, and expend interest earned on the endowment fund.
- (3) "State fund" means the Utah Arts Endowment Fund created under Section 9-6-502.

Renumbered and Amended by Chapter 241, 1992 General Session

**9-6-502 Utah Arts Endowment Fund.**

- (1) There is created an expendable special revenue fund known as the "Utah Arts Endowment Fund."
- (2) The state fund shall be administered by the board in accordance with applicable law.
- (3) Any administrative costs incurred by the board shall be reviewed by the appropriate appropriations committee of the Legislature.
- (4) The state fund shall contain all money appropriated to it by the Legislature, all federal funds received for purposes of this part, plus interest and other income earned on them.
- (5) The purpose of the state fund is to provide money to qualifying arts organizations to enable them to create their own arts endowment funds and to the board to administer the state fund.

Amended by Chapter 400, 2013 General Session

**9-6-503 Arts organization endowment funds.**

- (1) Any Utah nonprofit arts organization may create an endowment fund into which there may be deposited money from the state fund. The principal of each endowment fund may not be expended by the qualifying organization and shall be held in perpetuity solely by the qualifying organization or by the council on behalf of the qualifying organization. Only interest income earned on the amount in each endowment fund may be expended by the qualifying organization. The principal of each endowment fund shall be invested in accordance with Title 51, Chapter 7, State Money Management Act.
- (2) If a qualifying organization receives \$50,000 or more from the state fund, the money shall be administered in accordance with generally accepted accounting principles by the qualifying organization's professional management. Amounts less than \$50,000 shall be placed in a state trust and agency fund invested by the state treasurer, who shall allocate interest income to the qualifying organization.
- (3) If an endowment fund is invested by the state treasurer the costs for this administration shall be deducted from the interest income before allocations of interest income may be made to the qualifying organization.

Amended by Chapter 342, 2011 General Session

**9-6-504 Duties of board.**

The board shall:

- (1) allocate money from the state fund to the endowment fund created by a qualifying organization under Section 9-6-503;
- (2) determine the eligibility of each qualifying organization to receive money from the state fund into the endowment fund of the qualifying organization and be the final arbiter of eligibility;

- (3) determine the matching amount each qualifying organization shall raise in order to qualify to receive money from the state fund;
- (4) establish a date by which each qualifying organization shall provide its matching funds;
- (5) verify that matching funds have been provided by each qualifying organization by the date determined in Subsection (4); and
- (6) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish criteria by rule not otherwise prescribed in this chapter for determining the eligibility of qualifying organizations to receive money from the state fund.

Amended by Chapter 378, 2010 General Session

**9-6-505 Eligibility requirements of qualifying arts organizations -- Allocation limitations -- Matching requirements.**

- (1) Any qualifying organization may apply to receive money from the state fund to be deposited in an endowment fund it has created under Subsection 9-6-503(1):
  - (a) if it has received a grant from the board during one of the three years immediately before making application for state fund money under this Subsection (1); or
  - (b) upon approval by the board if it has not received a grant from the board within the past three years.
- (2)
  - (a) The maximum amount that may be allocated to each qualifying organization from the state fund shall be determined by the board by calculating the average cash income of the qualifying organization during the past three fiscal years as contained in the qualifying organization's final reports on file with the board. The board shall notify each qualifying organization of the maximum amount of money from the state fund for which it qualifies.
  - (b) The minimum amount that may be allocated to each qualifying organization from the state fund is \$2,500.
  - (c) If the maximum amount for which the organization qualifies is less than \$2,500, the organization may still apply for \$2,500.
- (3) After the board determines that a qualifying organization is eligible to receive money from the state fund and before any money is allocated to the qualifying organization from the state fund, the qualifying organization shall match the amount qualified for by money raised and designated exclusively for that purpose. State money, in-kind contributions, and preexisting endowment gifts may not be used to match money from the state fund.
- (4) Endowment match money shall be based on a sliding scale as follows:
  - (a) any amount requested not exceeding \$100,000 shall be matched one-to-one;
  - (b) any additional amount requested that makes the aggregate amount requested exceed \$100,000 but not exceed \$500,000 shall be matched two-to-one; and
  - (c) any additional amount requested that makes the aggregate amount requested exceed \$500,000 shall be matched three-to-one.
- (5)
  - (a) Qualifying organizations shall raise the matching amount within three years after applying for money from the state fund by a date determined by the board.
  - (b) Money from the state fund shall be released to the qualifying organization only upon verification by the board that the matching money has been received on or before the date determined under Subsection (5)(a). Verification of matching funds shall be made by a certified public accountant.

- (c) Money from the state fund shall be released to qualifying organizations with professional endowment management in increments not less than \$20,000 as audited confirmation of matching funds is received by the board.
- (d) Money from the state fund shall be granted to each qualifying organization on the basis of the matching funds it has raised by the date determined under Subsection (5)(a).

Amended by Chapter 324, 2010 General Session

**9-6-506 Unallocated money.**

Money in the state fund that is unallocated shall be reallocated by the board on a proportionate basis to qualifying organizations that raise 100% of their required match by the date determined under Subsection 9-6-505(5)(a).

Amended by Chapter 342, 2011 General Session

**9-6-507 Spending restrictions -- Return of endowment.**

- (1) A qualifying organization, once it has received its endowment money from the state fund, may not expend any of that money or the required matching money in its endowment fund, but may expend only the interest income earned on the money in its endowment fund.
- (2) If the board determines that a qualifying organization has expended any amount of the endowment money received from the state fund or any amount of the required matching money, the qualifying organization shall return the amount it received from the state fund. The board shall reallocate any such returned money to qualifying organizations in the manner as provided in Section 9-6-506.

Amended by Chapter 348, 2016 General Session

**9-6-508 Federal match.**

The creation of the state fund and the use of its money to enable qualifying organizations to create their own endowment funds may be construed as a state match for any arts funding from the federal government that may be provided.

Renumbered and Amended by Chapter 241, 1992 General Session

## **Part 6**

### **Office of Museum Services**

**9-6-602 Office of Museum Services created -- Purpose.**

- (1) There is created within the Division of Arts and Museums the Office of Museum Services.
- (2) The office shall assist Utah museums in improving their ability to:
  - (a) care for and manage collections;
  - (b) develop quality educational resources such as exhibitions, collections, and publications; and
  - (c) provide access to collections for research.

Renumbered and Amended by Chapter 24, 2006 General Session

**9-6-603 Duties of office.**

- (1) The office shall:
  - (a) recommend to the Museum Services Advisory Board:
    - (i) policies regarding:
      - (A) a grants program; and
      - (B) the equitable dissemination of office technical assistance; and
    - (ii) guidelines for determining eligibility for office grants;
  - (b) advise state and local government agencies and employees regarding museum related issues, including museum capital development projects;
  - (c) provide to Utah museums technical advice and information about sources of direct technical assistance;
  - (d) assist and advise Utah museums in locating sources of training for their museum staff members;
  - (e) develop and coordinate programs, workshops, seminars, and similar activities designed to provide training for staff members of Utah museums;
  - (f) undertake scholarly research as necessary to understand the training needs of the museum community and to assess how those needs could best be met;
  - (g) administer a state Museum Grant Program to assist eligible Utah museums; and
  - (h) establish a program by January 1, 2009, by rule, creating a certified local museum designation, including any provisions necessary to ensure public confidence in charitable solicitation undertaken by a certified local museum.
- (2)
  - (a) For a pass-through funding grant of at least \$25,000, the office shall make quarterly disbursements to the pass-through funding grant recipient, contingent upon the office receiving a quarterly progress report from the pass-through grant recipient.
  - (b) The office shall:
    - (i) provide the pass-through grant recipient with a progress report form for the reporting purposes of Subsection (2)(a); and
    - (ii) include reporting requirement instructions with the form.

Amended by Chapter 111, 2010 General Session

**9-6-604 Museum Services Advisory Board -- Membership.**

- (1) There is created the Museum Services Advisory Board.
- (2) The advisory board shall consist of 11 members appointed by the governor.
- (3) The governor shall ensure that the advisory board includes:
  - (a) at least six members who are qualified, trained, and experienced museum professionals, three of whom shall have a minimum of five years continuous paid work experience in a museum and be drawn from a list proposed by the Utah Museums Association;
  - (b) other persons with an interest in Utah's museums; and
  - (c) representation from throughout Utah.
- (4)
  - (a) Advisory board members shall be appointed for terms of four years except that three shall initially be appointed for two years, four for three years, and four for four years.
  - (b) The members serve until their successors are appointed and qualified.
- (5)
  - (a) The governor shall appoint the chair of the advisory board.
  - (b) The advisory board shall choose a vice chair from the advisory board's own members.

- (c) Members may be reappointed for one additional term only, unless the governor determines that unusual circumstances warrant a further term.
- (6) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (7) Six members of the board constitute a quorum for the transaction of business.
- (8) The advisory board shall meet at least once a year.
- (9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (10) The department shall pay those expenses on warrant to the Division of Finance from money in the budget appropriated for that purpose.

Amended by Chapter 212, 2012 General Session

**9-6-605 Advisory board -- Duties.**

- (1) The advisory board is the policymaking body for the office.
- (2) The advisory board shall, in consultation with the director of the office:
  - (a) set policies and, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules governing:
    - (i) the office grants program; and
    - (ii) the awarding of grants to assist Utah's eligible museums; and
  - (b) set eligibility guidelines for grants administered through the office.
- (3)
  - (a) By September 30 of each year, the advisory board shall prepare and submit a request to the governor and the Legislature for prioritized capital facilities grants to be awarded to eligible museums under this part.
  - (b) The advisory board shall prepare a list of the requested capital facilities grants in a prioritized order and include a written explanation of:
    - (i) the total grant amount requested in the list; and
    - (ii) the basis of its prioritization of requested grants on the list.
  - (c) The advisory board shall accept applications for capital facilities grants through June 1 of each year, prior to compiling and submitting its yearly request to the governor and the Legislature under Subsection (3)(a).

Amended by Chapter 212, 2012 General Session

**9-6-606 Office limitations.**

The office may not:

- (1) collect, manage, borrow, or purchase artifacts, objects, or other items for its own collection;
- (2) operate its own exhibit or display area; or
- (3) direct any action to be taken or make any mandatory policies to be followed by an individual museum or its parent agency.

Renumbered and Amended by Chapter 24, 2006 General Session

## **Part 7**

### **State-Owned Art Collections Inventory Study Program Act**

#### **9-6-701 Title.**

This part is known as the "State-Owned Art Collections Inventory Study Program Act."

Enacted by Chapter 229, 2006 General Session

#### **9-6-702 Definitions.**

As used in this part:

- (1) "Committee" means the State-Owned Art Collections Inventory Committee established under Section 9-6-704.
- (2) "Program" means the State-Owned Art Collections Inventory Study Program established under Section 9-6-703.
- (3)
  - (a) "State" means the state of Utah, its executive, legislative, and judicial branches, its departments, divisions, agencies, boards, commissions, councils, committees, and institutions including state institutions of higher education as defined under Section 53B-3-102.
  - (b) "State" does not include:
    - (i) the political subdivisions of the state; or
    - (ii) school districts.
- (4) "Work of art" means visual art of any medium.

Enacted by Chapter 229, 2006 General Session

#### **9-6-703 State-Owned Art Collections Inventory Study Program -- Division duties -- Funding for the study program.**

- (1) There is established the State-Owned Art Collections Inventory Study Program to study:
  - (a) providing a comprehensive electronic inventory of all state owned or held works of art, including each work of art's title, artist, medium, location, history, owner, condition, and one or more electronic images of each work of art;
  - (b) providing a publicly accessible and searchable Internet site of the electronic image of each work of art and other selected information in the inventory; and
  - (c) providing for the maintenance and tracking of the inventory, including the perpetual updating and improving of the inventory and its public accessibility.
- (2) The division shall study, design, and plan a program in accordance with this part with the advice and assistance of the committee.
- (3) The division shall study contracting with public and private entities as needed to implement the provisions of the program on a cost effective basis.
- (4) The study program shall be funded from money:
  - (a) appropriated by the Legislature;
  - (b) private donations to the program; and
  - (c) other sources that may be made available to the program.
- (5) The division, with the advice and assistance of the committee, shall establish a plan including the inventory scope, phases, and a budget for the implementation.

Enacted by Chapter 229, 2006 General Session

**9-6-704 State-Owned Art Collections Inventory Program Committee -- Membership -- Chair -- Expenses -- Duties.**

- (1) There is created within the division the State-Owned Art Collections Inventory Committee.
- (2) The committee consists of seven members who shall be experts in one or more aspect of the program as follows:
  - (a) the director of the Utah Museum of Fine Arts, or a designee;
  - (b) the director of the Utah Arts Council, or a designee;
  - (c) the director of the Division of Risk Management, or a designee;
  - (d) the director of the Utah Academic Library Consortium, or a designee;
  - (e) the director of the Utah State Archives and Records Service, or a designee;
  - (f) the director of the Division of Facilities Construction and Management; and
  - (g) a member of the public with expertise in the area of web site or database design and administration appointed by the other members of the committee to serve at the pleasure of the committee.
- (3)
  - (a) The committee shall annually elect a chairperson from its membership.
  - (b)
    - (i) The committee shall hold meetings as needed to carry out its duties.
    - (ii) A meeting may be held on the call of the chair or a majority of the committee members.
  - (c) Four committee members are necessary to constitute a quorum at any meeting and, if a quorum exists, the action of a majority of members present shall be the action of the committee.
- (4) A committee member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (5) The division shall provide staff support to the committee.
- (6) The funding of the committee shall be a separate line item to the division in the annual appropriations act.
- (7) The committee shall:
  - (a) advise the division on the design and implementation of the inventory study program;
  - (b) monitor, advise, and make recommendations to the division to promote and ensure the efficient and effective plan for the inventory study program; and
  - (c) study promoting collaborative efforts to develop public awareness, public school curriculum, and teacher training materials on the provisions of the program.

Amended by Chapter 286, 2010 General Session

**Part 8**  
**Arts and Culture Business Alliance Act**

**9-6-801 Title.**

This part is known as the "Arts and Culture Business Alliance Act."

Enacted by Chapter 350, 2015 General Session

**9-6-802 Definitions.**

As used in this part:

- (1) "Account" means the Arts and Culture Business Alliance Account created in Section 9-6-806.
- (2) "Alliance" means the Arts and Culture Business Alliance created in Section 9-6-803.
- (3)
  - (a) "Arts" means the various branches of creative human activity.
  - (b) "Arts" includes visual arts, film, performing arts, sculpture, literature, music, theater, dance, digital arts, video-game arts, and cultural vitality.
- (4) "Arts development" or "development of the arts" means:
  - (a) constructing, expanding, or repairing facilities that house arts presentations;
  - (b) providing for public information, preservation, or access to the arts; or
  - (c) supporting the professional development of artists within the state.

Enacted by Chapter 350, 2015 General Session

**9-6-803 Arts and Culture Business Alliance -- Creation -- Members -- Vacancies.**

- (1) There is created within the division the Arts and Culture Business Alliance.
- (2)
  - (a) The alliance shall consist of seven members.
  - (b) The six members described in Subsections (2)(d) and (e) shall be appointed by the governor to four-year terms of office with the consent of the Senate.
  - (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of the members described in Subsections (2)(d) and (e) are staggered so that approximately half of the members are appointed every two years.
  - (d) Five members shall be citizens with an interest in supporting and advancing the arts and arts development in the state.
  - (e) One member shall have expertise in business or finance.
  - (f) One member is the executive director of the Department of Heritage and Arts, or the executive director's designee.
- (3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the original member.
- (4) Four members of the board constitute a quorum for the transaction of business.
- (5) The governor shall annually select one of the board members as chair.
- (6) Except for the executive director, a member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- (7) A member may not receive a gift, prize, or award of money from the division or the account.

Enacted by Chapter 350, 2015 General Session

**9-6-804 Alliance duties.**

The alliance shall:

- (1) promote and encourage the development of the arts in the state;



- (2) support the efforts of state and local government and nonprofit arts organizations to encourage the development of the arts in the state;
- (3) recommend policies, priorities, and objectives to the division regarding development of the arts in the state; and
- (4) approve the use of account funds for arts development.

Enacted by Chapter 350, 2015 General Session

**9-6-805 Staff support -- Rulemaking.**

The division shall:

- (1) provide staff support for the alliance; and
- (2) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules, in consultation with the alliance, for a process for the alliance to accept and consider applications for arts development projects, and to distribute account money, under this part.

Enacted by Chapter 350, 2015 General Session

**9-6-806 Arts and Culture Business Alliance Account -- Funding.**

- (1) There is created within the General Fund a restricted account known as the Arts and Culture Business Alliance Account.
- (2) The account shall be administered by the division for the purposes listed in Subsection (5).
- (3)
  - (a) The account shall earn interest.
  - (b) All interest earned on account money shall be deposited into the account.
- (4) The account shall be funded by:
  - (a) appropriations made to the account by the Legislature; and
  - (b) private donations and grants.
- (5) Subject to appropriation, the director shall use account funds to pay for:
  - (a) the statewide advancement and development of the arts in accordance with the recommendation of the alliance; and
  - (b) actual administrative costs associated with administering this part.
- (6) The division shall submit an annual written report to the department that gives a complete accounting of the use of money from the account for inclusion in the annual report described in Section 9-1-208.

Enacted by Chapter 350, 2015 General Session